

PLANNING AND ZONING COMMISSION
Monday October 8, 2007 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Harper, Mr. Vasko and Mr. Wynkoop. Mr. Wynkoop made a motion to excuse Mr. Graber, Mr. McCoy and Ms. Solomon. Mr. Harper seconded the motion. The motion passed unanimously.

Approval of Minutes

There was no quorum to approve the September 10, 2007 minutes. As a result, Mr. Christensen stated the approval of these minutes will be deferred to the November 13, 2007 meeting.

Public Comment - None.

Administration of Public Oath

Mr. Christensen administered the public oath.

Pending Applications

Application #PSP-07-05 The property owner for the application is Canal Pointe LLC. Located on the southwest corner of Howe Industrial Parkway and Diley Road. The applicant Margaret Tobin of Tobin Merritt and Associates and Jennifer Carney of Carney Ranker Architects, the agent, are requesting a Preliminary Site Plan approval for an 8,131 square foot medical business office. Allan Neimayer, Planning and Zoning Administrator, gave the staff report. Rich Ireland of Dublin Building Systems was present to answer questions from the Commission.

Mr. Vasko commented he wants a full height curb, no extruded curb is to be used.

Mr. Wynkoop inquired about the sidewalk requirements. Mr. Neimayer stated the Violet Pointe Overlay District requires a sidewalk along the right-of-way. The Planning and Zoning Commission has waived that requirement in the past for the industrial areas. Chris Strayer, Development Director, stated that at this time he did not think there was a need to have the sidewalk.

Mr. Ireland then reviewed with the Commission color renderings of the building. The building materials will be stone and EIFS. There will be pole lights with a maximum height of 16 feet.

Mr. Ireland stated they would prefer to do a dry basin. The area of the basin can be reduced to a swale that is seeded and mowed. He would like to resubmit a revised basin and will work with staff.

Mr. Ireland commented on the parking spaces. He said additional parking spaces that what the code allows are needed for the employees that will be there. Margaret Tobin, Tobin Merritt and Associates, spoke on parking constraints at her existing office facility and why she needs extra

spaces. Mr. Harper inquired what type of medical offices would be located there. Mrs. Tobin stated that they are a health consulting group. They will have patients in the office. There will be 8 dedicated patient spaces. The other spaces will be for employees. Mr. Neimayer said a variance will be needed to go over the maximum parking spaces.

Mr. Harper inquired if some trees, bushes could be put in near the streets? Mr. Ireland said that they can put some vegetation in. Mr. Vasko would like to see the southern parking area further broken up and with more trees and bushes.

Mr. Wynkoop made a motion to approve application #PSP-07-05 with staff recommendations and the following conditions: 1) A retention pond variance; 2) Parking requirements variance; 3) If in the future it is determined a sidewalk is necessary, the property owner will install the sidewalk; and 4) The use of extruded curb is prohibited. Mr. Harper seconded the motion. The motion passed unanimously.

New Business

Buyers Automotive – informal discussion regarding a used automotive sales lot at the former Wendy's site at 202 Cemetery Road. Mr. Neimayer outlined the project. Mr. Vasko inquired as to if there would be any automotive maintenance on site. Mr. Neimayer stated no, that it would be washing and detailing, purely cosmetic. Mr. Vasko asked if there would be lighting or any outdoor speakers. Mr. Neimayer stated no there would be no speakers and the lighting would be directed away from the residential area.

Mr. John Oney of Architectural Alliance gave a presentation of the proposed development on behalf of Byers Automotive. He stated that Byers would like to work with the neighbors to screen the property. There would be two prep bays, these bays will be used for cleaning and prepping the vehicles. There will be no service or repairs done at the facility. In regards to the speakers and lighting, there will be no outside speakers. Lighting will be appropriate to the use. This project will be for high-end, pre-owned vehicles, \$15,000 and up. Mr. Oney stated that they would like to reface the building with a "relaxed" look. It will be brick and EIFS.

Mr. Wynkoop inquired about the signage. Mr. Oney stated that they would be okay with only a wall sign.

Mr. Vasko asked about the hours of operation. Mr. Oney stated that the hours are 9:00 to 9:00 in the summer and less in the winter. Usually cut the hours back to eight hours per day during the week and Saturdays. On Sundays they close at five.

Mr. Vasko inquired about where the customer parking is located. Mr. Oney stated they did not know yet, possibly north and west of the building.

Mr. Harper asked if there were going to be security gates. Mr. Oney stated that there were no fences or gates planned.

Mr. Jay Durivage, one of the owners of Byers, elaborated on the Byers brand and what they saw for the future of the area.

Mr. Christensen stated that if a zoning change was made he would want something noted in the text to prohibit the continuation of a car lot if Byers were to leave. Mr. Oney stated that they would be fine with that.

Mr. Vasko stated that he initially did not like the proposal and is not “sold” on the idea of a car lot. But the plans shown this evening are a good start. He would like to have consideration for the residential area next to it. Mr. Christensen stated that he would also want input from the neighbors.

Mr. Harper agrees with Mr. Vasko, but not sure if a used car lot is the right fit for the area. Mr. Harper stated that it looks more like a high end property, which he likes. He does not want the building to still look like a “Wendy’s.”

Mr. Strayer stated that when they met with Byers last week, he gave them his opinions and recommendations and suggested Byers come to the Planning and Zoning Commission for an informal discussion.

Old Business

1. Mr. Strayer said that he met with John Roush of Barry and Miller Construction to discuss a possible annexation and development at the southeast corner of Kings Crossing and Diley Road. Mr. Roush introduced the idea of annexing the property to Canal Winchester from Violet Township. The site would contain a Tire Discounters and a strip mall. Mr. Roush went into detail of why he thought this was a good use for the area. This is strictly a concept right now. The Planning and Zoning Commission discussed the idea of the concept on the site. The Commission is in favor of the development. They would like to have Berry and Miller look into future traffic implications from this type of development.
2. Street Tree Advisory Board (STAB) – Discussion on tree preservation. Mr. Neimayer introduced this subject matter. It was initially brought up by the Commercial Development Standards committee who thought the percentage of trees that the current woodlands ordinance allows to be removed is too low. The Committee wanted the full Commission and STAB to discuss this matter further.

Gary Bumpus, Street Tree Advisory Board, the current ordinance is designed to preserve 45% of the woodlands. He stated for the little bit of woodlands that we have he would like to save 100% of it.

Mr. Vasko asked what happens when someone cuts the trees down. Mr. Hollins stated that there is a pre-development restriction. Mr. Vasko wants to know what the penalty is if the trees are cut down with approval. Mr. Neimayer stated that this falls under a zoning violation. He would review the matter with Mr. Hollins who would determine how to proceed with legal enforcement. Mr. Vasko stated that he wants to make sure the penalty is requiring them to replant these trees, if that were to happen. The Planning and Zoning Commission would like a catalog of woodlands and what is protected.

Mr. Bumpus stated that the landscaping code is weak. STAB would like to meet with staff to propose changes to the landscaping code. Mr. Strayer stated that he would get landscaping ordinances from other jurisdictions to help both boards see where they might want this to go.

3. Burger King Appeal to the Planning and Zoning Commission. Mr. Hollins stated that Mr. Harper would be excused from the executive session. Mr. Vasko made a motion to go into executive session to discuss legal matters. Mr. Wynkoop seconded the motion. The vote was 3-0-1 with Mr. Harper abstaining. Mr. Harper left the meeting during this discussion.

Mr. Ingram would like to put on the record that the original application was heard on August 13, 2007. In his interpretation of the code, the appeal time will expire on October 22, 2007. He would like a special Planning and Zoning Commission meeting to meet this deadline. Mr. Vasko asked if this item needs to go back to Council. Mr. Hollins stated that if the vote is still negative, then Burger King can appeal.

The Commission discussed what needed to be done to get this completed. Mr. Neimayer will get dates from the Planning and Zoning Commission members to coordinate a special meeting prior to the October 22, 2007 cut-off.

At this time Mr. Vasko withdrew his motion to go into executive session.

Mr. Harper returned to the meeting.

Planning and Zoning Administrator's Report

Mr. Neimayer reminded the Commission that the November regular meeting will be held on Tuesday November 9, 2007 due to the Veteran's Day Holiday on Monday the 8th.

Mr. Neimayer reported on the Commercial Development Standards Committee's recommendations (their final draft report) to the full commission. Mr. Neimayer went through some of the changes that are suggested in these commercial development standards. He would like feedback from the Planning and Zoning Commission on these items.

Mr. Neimayer brought to the Commission's attention in regard to the proposed winery by Damon Pfeifer, that David Dye has made a request to be heard at next Monday's (October 15) Council meeting. Mr. Dye plans to introduce information to show the zoning of the subject property as currently shown on the village's zoning map is incorrect.

Adjournment

Mr. Wynkoop made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Vasko seconded the motion. The motion passed unanimously 4-0.

Time Out: 7:57 p.m.

Date _____

Bill Christensen, Chairman

Mike Vasko, Secretary